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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LANGDON, EVAN H

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,294

Applicant(s)

CHAMBERS, CHRISTOPHER
PAUL

Examiner

Evan H Langdon

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/6/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "a pivot point between the base plate and first arm" in lines 2 and 3. This limitation in the claim presents a double inclusion with "first arm pivotally connected to the base plate" in line 3 of claim 1.

Claim 3 recites the limitation "a pivot point between the first and second arms" in line 3. This limitation in the claim presents a double inclusion with "second arm pivotally connected to the first" in line 3 of claim 1.

Claim 9 recites the limitation "a pivot point of the pressure member " in line 2. This limitation in the claim presents a double inclusion with "pressure member pivotally mounted on the arm" in line 5 of claim 5.

Claim 10 recites the limitation " a pivot point between the arm to the base" in line 3. This limitation in the claim presents a double inclusion with "an arm pivotally connected to the base plate" in line 3 of claim 5.

Claim 11 recites the limitation "a pivot point between the arm and the pressure member" in line 1. This limitation in the claim presents a double inclusion with "elongate pressure member pivotally mounted on the arm" in line 5 of claim 5.

Claim 11 recites the limitation "a pivot point between the arm and base " in line 3. This limitation in the claim presents a double inclusion with "an arm pivotally connected to the base plate" in line 3 of claim 5.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Henly (US 6,098,962).

Henly discloses a guide for a rope or chain comprising:

a base plate;

an arcuate first arm 15'' pivotally connected 20 to the base plate;

an arcuate second arm 14'' pivotally connected to the first arm and so as in a rest position to form an acute angle with the first arm 15'', wherein the arcuate second arm 14'' is pivotally connected to the first arm (via the base plate) at a location 19 spaced from the pivotal connection between the arcuate first arm and the base plate; and

biasing means 38 between the base plate and the second arm (via first arm 15'', Fig. 8).

In regards to claim 2, Henly discloses the base plate carries a chain wheel, wherein the chain wheel 28, 29 has a periphery and the arms 14'', 15'' are positioned adjacent the periphery of the chain wheel.

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In regards to claim 3, Henly discloses the biasing means comprises a spring 38 connected to the second arm 14'' at a position 39 between the pivot point 20 between the base plate and the first arm and the pivot point 19 (via base plate) between the first and second arms.

In regards to claim 4, Henly discloses the second arm 14'' carries a pressure member (inner surface of arm).

In regards to claim 13, Henly teaches the winch including a guide.

In regards to claim 5, Henly discloses a guide for a rope or chain comprising;
a base plate;
an arm pivotally 15'' connected to the base plate;
biasing means 38 between the base plate and the arm; and
an elongate pressure 14'' member pivotally mounted 19 on the arm 15''(via the base plate).

In regards to claims 7 and 8, Henly discloses the arm 15'' and pressure member 14'' are substantially arcuate.

In regards to claim 9, Henly discloses the pressure member 14'' is substantially arcuate having a convex face and the pivot point of the pressure member is adjacent the convex face of the pressure member.

In regards to claim 10, Henly discloses the base plate carries at least one chain wheel 28, 29, wherein each chain wheel having a periphery wherein, the pivot point 20 between the arm to the base being adjacent the periphery of the chain wheel.

In regards to claim 11, Henly discloses a pivot point between the arm 15'' and the pressure member 14'' (via the base plate) is displaced from a center point of the pressure member 14'' towards a pivot point between the arm and base.

In regards to claim 12, Henly discloses the biasing means is a spring 38.

Claims 1-2, 4-5 and 7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Simmons (US 2,922,623).

Simmons discloses a guide for a rope or chain comprising:

a base plate;

an arcuate first arm 17 pivotally connected 16 to the base plate;

an arcuate second arm 19 pivotally connected 19 to the first arm and so as in a rest position to form an acute angle with the first arm 17, wherein the arcuate second arm 19 is pivotally connected to the first arm at a location 18 spaced from the pivotal connection between the arcuate first arm and the base plate; and

biasing means 28 between the base plate and the second arm (via first arm 17, Fig. 1).

In regards to claim 2, Simmons discloses the base plate carries a chain wheel, wherein the chain wheel has a periphery and the arms 17, 19 are positioned adjacent the periphery of the chain wheel.

In regards to claim 4, Simmons discloses the second arm 19 carries a pressure member 21.

In regards to claim 13, Simmons teaches the winch including a guide.

In regards to claim 5, Simmons discloses a guide for a rope or chain comprising;

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a base plate;

an arm pivotally 17 connected to the base plate;

biasing means 28 between the base plate and the arm; and

an elongate pressure 19, 21 member pivotally mounted 18 on the arm 17.

In regards to claims 7 and 8, Simmons discloses the arm 17 and pressure member 19, 21 are substantially arcuate.

In regards to claim 9, Simmons discloses the pressure member 19, 21 is substantially arcuate having a convex face 21 and the pivot point of the pressure member is adjacent the convex face of the pressure member.

In regards to claim 10, Simmons discloses the base plate carries at least one chain wheel wherein each chain wheel having a periphery wherein, the pivot point 16 between the arm to the base being adjacent the periphery of the chain wheel.

In regards to claim 11, Simmons discloses a pivot point between the arm 18 and the pressure member 19, 21 is displaced from a center point of the pressure member 21 towards a pivot point between the arm and base.

In regards to claim 12, Simmons discloses the biasing means is a spring 28.

Response to Arguments

Applicant's arguments with respect to claims 1-5 and 7-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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